

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

KAL DRILLING, INC.,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-06-0619-F
)	
BURAY ENERGY)	
INTERNATIONAL LLC,)	
)	
Defendant.)	

ORDER

Plaintiff's complaint is before the court. The complaint alleges that the defendant, Buray Energy International LLC, is a limited liability corporation "organized under the laws of the state of Indiana, with its principle [sic] place of business in Evansville, Indiana." (Complaint, ¶ 2.)

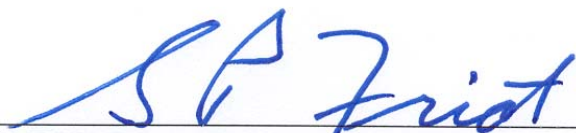
Jurisdiction in this action is premised upon diversity of citizenship. The Tenth Circuit has not specifically ruled with respect to the method of determining the citizenship of a limited liability company for purposes of diversity jurisdiction. However, other courts have determined that the citizenship of a limited liability company is the citizenship of its members. Johnson v. Columbia Props. Anchorage, LP, 437 F.3d 894, 899 (9th Cir. 2006); Handelsman v. Bedford Village Associates Ltd. Partnership, 213 F.3d 48, 51-52 (2d Cir. 2000); Cosgrove v. Bartolotta, 150 F.3d 729, 731 (7th Cir. 1998); Hale v. MasterSoft Intern. Pty., Ltd., 93 F. Supp. 2d 1108, 1112 (D. Colo. 2000); Keith v. Black Diamond Advisors, Inc., 48 F. Supp. 2d 326, 329-30 (S.D. N.Y. 1999); International Flavors & Textures, LLC v. Gardner, 966 F. Supp. 552, 554-55 (W.D. Mich. 1997). *See generally*, 15 Moore's Federal Practice

and Procedure, § 102.57[8] regarding the uniformity of rulings from other circuits on this issue.

The court has a duty to inquire into its own jurisdiction. As it stands, the record does not reflect the citizenship of all of the members of the defendant limited liability corporation. As it is plaintiff's burden to allege facts in support of jurisdiction, plaintiff is directed to file, within thirty days of the date of this order, a statement identifying all members of Buray Energy International LLC and specifying their citizenship. If any of the members of Buray Energy International LLC are themselves limited liability companies, then plaintiff shall identify those limited liability companies and specify their citizenship as well.

If the information described in the preceding paragraph is not available to plaintiff, then filing of the statement is excused. In that event, counsel for all parties should expect this issue to be addressed at the scheduling conference and should come to the conference prepared to discuss the issue and to inform the court of all jurisdictional facts.

Dated this 9th day of June, 2006.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE